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September 25, 2008

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Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: First Communications, Inc.
Section 64.2009(e) CPNI Certification Filing
EB-08-TC-3887
Request for Waiver**

Dear Ms. Dortch:

First Communications, Inc. ("First"), by its attorneys, hereby submits its annual CPNI Certification for 2007, and a request for a waiver of section 64.2009(e) of the Commission's rules.

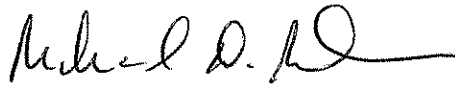
For the reasons set forth in its response to the FCC's CPNI Inquiry dated September 5, 2008 (File No. EB-08-TC-3887), which is incorporated herein as if fully set forth, First hereby requests a waiver of Rule Section 64.2009(e) to permit the late-filing of the instant report. For good cause shown, it is respectfully submitted that the public interest would be served by a grant of this request.

In other instances, the Commission has granted waivers to allow the late filing of required documents when the public interest is service by allowing such filings. See, e.g., *In the matter of Forty-one Late-Filed Applications for Renewal of Educational Broadcast Service Stations*, DA

07-205, 22 FCC Rcd 879, (Jan. 25, 2007); *Junior College District of Metropolitan Kansas City, Missouri*, DA 06-2381, 21 FCC Rcd 13770 (WTB 2006); *City Page & Cellular Services, Inc. d/b/a City Beepers*, DA 02-3558, 17 FCC Rcd 26109 (WTB 2002)(Long form application deadline waived because applicants were unaware of deadline); *NPCR, Inc., Petition for Waiver of Rule Section 54.8026*, DA 07-110, 22 FCC Rcd 560, (WCB 2007)(ETC Certification report deadline waived).

If you have any questions regarding this matter, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Rubino". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Richard D. Rubino
Attorney for First Communications, Inc.

Attachment

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2007

Date of execution: **September 8, 2008.**

Name of Company covered by this certification: **First Communications, Inc.**

Form 499 Filer ID: **821918]**

Name of Officer signing: **Edward Willoughby**

Title of Officer signing: **Vice President**

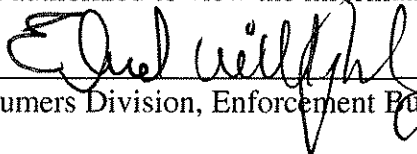
I, **Edward** Willoughby Certify that I am an officer of the Company named above, and acting as an agent of the Company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification as Exhibit 1 is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company **has not** taken any actions (proceedings instituted or petitions filed by a company at either state commission, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

The Company **has not** received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

Signed



cc: Telecommunications Consumers Division, Enforcement Bureau

First Communications, Inc.

**STATEMENT EXPLAINING HOW THE COMPANY'S OPERATING PROCEDURES
ENSURE COMPLIANCE WITH THE FCC'S CPNI RULES**

I. Customer Proprietary Network Information ("CPNI")

CPNI is defined in Section 222(f) of the Communications Act as (A) information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier (except that CPNI does not include subscriber list information).

Generally, CPNI includes personal information regarding a consumer's use of his or her telecommunications services. CPNI encompasses information such as: (a) the telephone numbers called by a consumer; (b) the telephone numbers calling a customer; (c) the time, location and duration of a consumer's outbound and inbound phone calls, and (d) the telecommunications and information services purchased by a consumer.

Call detail information (also known as "call records") is a category of CPNI that is particularly sensitive from a privacy standpoint and that is sought by pretexters, hackers and other unauthorized entities for illegitimate purposes. Call detail includes any information that pertains to the transmission of a specific telephone call, including the number called (for outbound calls), the number from which the call was placed (for inbound calls), and the date, time, location and/or duration of the call (for all calls).

II. Use and Disclosure of CPNI Is Restricted

The Company recognizes that CPNI includes information that is personal and individually identifiable, and that privacy concerns have led Congress and the FCC to impose restrictions upon its use and disclosure, and upon the provision of access to it by individuals or entities inside and outside the Company.

The Company has designated a CPNI Compliance Officer who is responsible for: (1) communicating with the Company's attorneys and/or consultants regarding CPNI responsibilities, requirements and restrictions; (2) supervising the training of Company employees who use or have access to CPNI; (3) maintaining records regarding the use of CPNI in marketing campaigns; and (4) receiving, reviewing and resolving questions or issues regarding use, disclosure, distribution or provision of access to CPNI.

Company employees that may deal with CPNI have been informed that there are substantial federal restrictions upon CPNI use, distribution and access. In order to be authorized to use or access the Company's CPNI, employees must receive training with respect to the requirements of Section 222 of the Communications Act and the FCC's CPNI Rules (Subpart U of Part 64 of the FCC Rules).

III. Protection of CPNI

1. The Company may, after receiving an appropriate written request from a customer, disclose or provide the customer's CPNI to the customer by sending it to the customer's address or record. Any and all such customer requests: (1) must be made in writing; (2) must include the customer's correct billing name and address and telephone number; (3) must specify exactly what type or types of CPNI must be disclosed or provided; (4) must specify the time period for which the CPNI must be disclosed or provided; and (5) must be signed by the customer. The Company will disclose CPNI upon affirmative written request by the customer to any person designated by the customer, but only after the Company calls the customer's telephone number of record and/or sends a notification to the customer's address of record to verify the accuracy of this request.

2. The Company will provide a customer's CPNI to a law enforcement agency in accordance with applicable legal requirements. The Company has adopted a policy that it does not and will not use, disclose or permit access to CPNI by an affiliate. The Company has adopted a policy that it does not and will not use, disclose, or permit access to CPNI in connection with Company-initiated marketing of services to which a customer does not already subscribe from the Company (out-bound marketing).

IV. CPNI Compliance Officer

In addition to the specific matters required to be reviewed and approved by the Company's CPNI Compliance Officer, employees are strongly encouraged to bring any and all other questions, issues or uncertainties regarding the use, disclosure, or access to CPNI to the attention of the Company's CPNI Compliance Officer for appropriate investigation, review and guidance. The extent to which a particular employee brought a CPNI matter to the attention of the CPNI Compliance Officer and received appropriate guidance is a material consideration in any disciplinary action brought against the employee for impermissible use, disclosure or access to CPNI.

V. Disciplinary Procedures

The Company has informed its employees that it considers compliance with the Communications Act and FCC Rules regarding the use, disclosure, and access to CPNI to be very important.

Violation by Company employees of such CPNI requirements will lead to disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received from the CPNI Compliance Officer, and the extent to which the violation was or was not deliberate or malicious).

First Communications, Inc.

STATEMENT OF ACTIONS TAKEN AGAINST DATA BROKERS

- A. During Calendar Year 2007, the Company has instituted the following proceeding, or filed the following petitions, against data brokers before the Federal Communications Commission:

| NONE

- B. During Calendar Year 2007, the Company has instituted the following proceeding, or filed the following petitions, against data brokers before the **Florida and Georgia.**

NONE

- C. During Calendar Year 2007, the Company has instituted the following proceeding, or filed the following petitions, against data brokers before the following federal or state courts:

| NONE

First Communications, Inc

**SUMMARY OF CUSTOMER COMPLAINTS
REGARDING UNAUTHORIZED RELEASE OF CPNI**

- A. During Calendar Year 2007, the Company has received the following number of customer complaints related to unauthorized access to, or disclosure of, CPNI due to improper access by Company employees:

NONE

- B. During Calendar Year 2007, the Company has received the following number of customer complaints related to unauthorized access to, or disclosure of, CPNI due to improper disclosure to individuals not authorized to receive the information:

NONE

- C. During Calendar Year 2007, the Company has received the following number of customer complaints related to unauthorized access to, or disclosure of, CPNI due to improper access to online information by individuals not authorized to view the information:

NONE

- D. During Calendar Year 2007, the Company has become aware of the following processes that pretexters are using to attempt to access its CPNI:

NONE